

Meeting Minutes September 4, 2003

Town of Los Altos Hills City Council Regular Meeting

Thursday, September 4, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmembers Fenwick, Kerr and Warshawsky
Absent: None
Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner and City Clerk Karen Jost
Press: Tim Seyfert, Los Altos Town Crier and Kaye Ross, San Jose Mercury News

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Certificate of Appreciation-Sharyn Brown, Environmental Design and Protection Committee

Mayor Cheng introduced Sharyn Brown, recipient of the Certificate of Appreciation for her volunteer service to the Town. Ms. Brown has served on the Environmental Design and Protection Committee as both Chair and committee member for fifteen years. She recently moved from Los Altos Hills to the Sierra Gold Country. Cheng thanked Brown for her many contributions to the Town and wished her well in her new community.

2.2 Certificate of Commendation-Santa Clara County Fire Department and Union Local #1165

Roger Burnell, Community Relations Committee Member, introduced Community Relations Chair Roy Woolsey and Representatives of the Santa Clara County Fire Department and Union Local #1165. The Firefighters were presented Certificate of Commendation plaques for the Loyola Fire Station, Los Altos Fire Station and the El Monte Fire Station honoring and recognizing their contributions to the Town's annual picnic. Mayor Cheng thanked the firefighters and noted that their participation every year has helped to make the event a success.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported on the Planning Commission Meeting of August 14, 2003. Three items had been reviewed at this meeting. They included: the Conditional Use Permit for Westwind Barn, item was continued due to a lack of a quorum; Lands of Korman, a request for a Lot Line Merger and a Lot Line Adjustment, (item on the City Council consent calendar); and Lands of Maher, a request for a site development for a pool and landscaping.

4. CONSENT CALENDAR

Items Removed: Item 4.1 (Fenwick), 4.5 (Cahill), 4.12 (Fenwick)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously, to approve the remainder of the consent calendar, specifically;

4.2 Review of Disbursements: July 29, 2003 – August 28, 2003 \$384,799.91

4.3 Annual Approval of Investment Policy

4.4 Adoption of an Amendment to the Zoning Code Ordinance with regard to Residential Care Facilities as a Permitted Accessory Use and Structure, Section 10-1.701

4.6 Acceptance of Dedication of Right of Way; Lands of Zatpavar; 24801 Prospect Avenue Reso #69-03

4.7 Notification of Planning Commission Approval of a Request for a Site Development Permit for a Pool and Landscape Screening Plan involving 1,260 cubic yards of cut, 310 cubic yards of fill and 950 cubic yards to be exported off-site; Lands of Maher, 26307 Esperanza Drive (43-03-ZP-SD)

4.8 Approval of a Lot Line Merger; Lands of Korman; formerly known as 26157 Altadena Drive (122-03-LM)

4.9 Approval of a Lot Line Adjustment; Lands of Korman; formerly known as 26157 Altadena Drive (203-02-LLA)

4.10 Adoption of a Resolution Approving the Request to Apply for Grant Funds for the Per Capita Grant Program-Park Bond Act 2002 Reso# 62-03

4.11 Adoption of a Resolution Approving the Request to Apply for Grant Funds for the Roberti-Z'Berg-Harris Block Grant Program-Park Bond Act 2002 Reso# 63-03

4.13 Acceptance of a Conservation Easement; Lands of Weale; 27181 Sherlock Road (93-02-ZP-SD-GD-VAR) Reso #64-03

4.14 Report on Property Tax Transfer and Annexations

4.15 Byrne Preserve Erosion Control Study

Items Removed:

4.1 Approval of Minutes: Regular City Council Meeting August 7, 2003

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to approve the minutes of the August 7, 2004 Regular City Council as amended with the following correction: page 14, first paragraph, Gail Salmon should read Gail Solomon.

4.5 Acceptance of Grant of Conservation Easement; Lands of Shantz and Simon; 13561 Hill Way Reso#_____

Planning Director requested that this item be rescheduled to a future City Council meeting due to an error in the legal description in the document.

4.12 Approval of a Request for Renewal of a Conditional Use Permit; Lands of Nextel Communications, Inc. (Lands of Fenwick), 28011 Elena Road (99-03-CUP)

Councilmember Fenwick recused himself from consideration of this item.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed by the following vote to approve the request for renewal of a Conditional Use Permit; Lands of Nextel Communications (Lands of Fenwick), 28011 Elena Road;

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Kerr and Councilmember Warshawsky

NOES: None

ABSENT: None

ABSTAIN: Councilmember Fenwick

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Status Report

Peter Duxbury, Architect for the new Town Hall project, distributed recent updated site plans and schematic drawings to Council. Duxbury reported that he is continuing to meet with the New Town Hall Committee and staff for design input. He invited Council to his office to view the Town Hall model on his 3-D CAD.

Duxbury added that he has done a preliminary assessment of the Water District's existing building. He feels it will need some improvements including fire sprinklers, a new roof and gutters, and ADA compliant improvements. He has not done a feasibility study on the facility and recommended that one be done.

5.1.1a Consideration of Amendment to the Agreement between the
Town of Los Altos Hills and Duxbury Architects

Councilmember Kerr explained that the agreement before Council for their consideration has been signed by the Architect and he is acceptable to all conditions.

City Attorney Steve Mattas noted that the agreement is a revised contract with Peter Duxbury and incorporates all previously agreed upon terms and can be approved by a motion from Council.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to adopt Resolution 66-03 authorizing a revised agreement with Duxbury Architects to provide architectural services for the new Town Hall.

5.1.1b Consideration of an Agreement for Services between the
Town of Los Altos Hills and Toeniskoetter & Breeding, Inc
for Pre-Construction Services

Councilmember Kerr introduced this item to Council. He explained that Council had before them a request from the Town Hall Committee for the Town to enter into an agreement with TBI for pre-construction consulting services for the new Town Hall project. The firm would prepare construction cost estimates, define construction methods and assist with the overall design to enable the project to meet budgetary goals. Kerr said the firm had been recommended by the Architect and the Town Hall Committee had performed cursory background checks. Kerr added that the agreement before Council is for a limited scope of service not to exceed \$37,134. There may be a future commitment to the firm but this agreement stands alone.

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Kerr and passed unanimously to approve Resolution 67-03 of the Town of Los Altos Hills authorizing a consulting contract with Toeniskoetter & Breeding, Inc. for limited construction management services for the New Town Hall project.

5.1.2 Undergrounding of Utilities – Status Report

5.1.2a Approval of an Agreement between the Town of Los Altos
Hills and R.W. Beck for Consulting Services

Councilmember Warshawsky explained that before Council for their approval was the finalized agreement with R.W. Beck. The City Attorney and City Manager have reviewed the scope of services and agreement. Warshawsky added that the Undergrounding Committee expects the analysis to be completed by Beck within six weeks and then the Committee will move forward with a telephone poll and the preparation of an informational packet for the community.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to approve Resolution 68-03 of the City Council of the Town of Los Altos Hills authorizing R.W.Beck, Inc. to provide certain professional analysis and advice concerning undergrounding electrical and telecommunications services.

5.1.3 Master Pathway Map – Status Report

Dot Schreiner, 14301 Saddle Mountain Drive, reported that her group is continuing to make progress with the map documentation. They are keeping the Pathway Committee apprised of their progress and reporting out to them on a regular basis. Schreiner added that the group has questions regarding pathway easements that were “picked up en mass” pertaining to their legality.

City Attorney Steve Mattas offered to meet with the group to assist them and resolve these issues.

Mayor Cheng thanked Schreiner and the group for their efforts.

5.1.4 Storm Water Master Plan – Status Report

City Engineer/Director of Public Works Mintze Cheng reported that the Town has received three proposals for the project from consulting firms and she expects to return to Council at their September 18, 2003 with a proposal for their approval.

5.1.5 Visit to China to Explore Business Opportunities –Postponed for Discussion in Spring 2004

5.2 Appointments to the Public Education Committee (2) Vacancies

Council had before them applications from three candidates: Steve Hubbell, PASD; Duncan MacMillan, PASD; and Peggy Rutner, LASD. Ronda Brier withdrew her application. Council interviewed those applicants present.

Mayor Cheng thanked each applicant for applying.

Council discussion ensued regarding the Committee’s membership demographic allocation, school district and school boundary representation and membership size. Mayor Cheng suggested that Council consider accepting all three applicants and to offer a committee position to Stacey Ahrens, applicant from the previous meeting. Following Council discussion it was agreed to amend the Standing Committee Resolution 58-03 to increase the size of the Committee to eleven members to ensure demographic diversity and to appoint all three applicants and extend an invitation of membership to Stacey Ahrens.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Warshawsky and passed unanimously to amend Resolution 58-03 to increase the membership of the Public Education Committee to eleven members.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Warshawsky and passed unanimously to appoint Steve Hubbell, Duncan MacMillan, and Peggy Rutner to the Public Education Committee. Council extended an invitation of appointment to Stacey Ahrens.

5.3 Appointment of Council Liaison to the Public Education Committee

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to appoint Councilmember Kerr as the Council Liaison to the Public Education Committee.

6. NEW BUSINESS

6.1 Consideration of a Joint Special Meeting of the City Council and Planning Commission

PASSED BY CONSENSUS: To set a tentative date of September 18, 2003 for a Joint Special Meeting of the City Council and Planning Commission and to direct staff to confirm the meeting date with the Planning Commission.

6.2 Presentation by Richard Blanchard, San Antonio Hills Association

Mr. Blanchard was not in attendance. Staff was directed to contact Mr. Blanchard to confirm his interest in continuing this item.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember O'Malley reported that the committee to review the Westwind Barn lease had met and he expects a report to be forwarded to Council in October.

Councilmember Kerr reported that he and Councilmember Warshawsky have met with the Los Altos School District's subcommittee regarding the feasibility of Bullis Park. It was a very positive meeting and they were able to agree on preliminary concepts for the proposed park. Kerr noted that the item has been referred to the Parks and Recreation Committee for recommendations on the "look" of the park and a report should be forwarded to Council in the near future.

Mayor Cheng attended the Parks and Recreation Committee meeting. The summer camps had been very successful and well attended. The Committee is investigating options for a fall program.

Mayor Cheng attended the VTA Policy Advisory meeting and updated the Council on VTA issues including budget cuts and recent legislation.

7.1 Newcomer Welcoming Reception – Roy Woolsey, Chair,
Community Relations Committee

Roy Woolsey informed Council that Mayor Cheng had graciously offered her home as the site of the Newcomers Reception to be held on Sunday, October 5, 2003 between 2pm and 4pm. The Community Relations Committee is organizing the event and will send out approximately 325 invitations.

Woolsey noted that the reception will provide an opportunity for newcomers to meet the City Council and Town staff and encouraged everyone to attend. A memo will be sent out to all Standing Committee chairs from the Community Relations Committee extending an invitation for a representative(s) to attend and set up an information table at the reception.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

The City Clerk reported that Council had before them a letter from Foothill College President Bernadine Chuck Fong, responding to residents of Los Altos Hills who had voiced a complaint regarding noise from the school's stadium. President Fong extended her apologies and noted that the school will no longer be renting the field to the band that had created the disturbance.

- Correspondence from Ronda and Mark Brier, 26359 Esperanza regarding noise at Town Hall

Mark Brier, 26539 Esperanza Drive, had requested this item be placed on the agenda for Council consideration. Brier distributed a proposed new resolution to prevent early am noise at Town Hall to Councilmembers. He explained that he and his family have been bothered by noise from garbage trucks and gardening equipment on Thursday mornings and would like to see Council establish an ordinance that would make noise at Town Hall before 8am illegal.

City Manager Maureen Cassingham explained that staff has tried very hard to accommodate Mr. Brier's request. She has worked closely with LAGCO on the timing of refuse pick up. Cassingham noted that there are a number of competing interests to be considered, including: parents dropping off children at the bus stop; the need to open Town Hall to the public at 8am; and, the arrival of staff. Cassingham noted that staff believed they had reached a compromise with Mr. Brier that was acknowledged in his email of July 11, 2003 that it would be acceptable to have activities (LAGCO refuse pick-up and garden maintenance-once a week) begin at Town Hall at 7:30 am.

City Attorney Steve Mattas reminded Council that the franchise agreement between the Town and Los Altos Garbage Company permits refuse collection to begin at 7am in the Town.

OPENED PUBLIC COMMENT

Steve Hubbell, 26530 Conejo Court, explained that he is more concerned with the potential construction noise from the building of the new Town Hall. Staff explained that a Town ordinance prohibits construction noise before 8am. Hubbell said it would be nice if the garbage truck could have a later pickup during summer hours to facilitate late sleeping but that during the school year the collection time is of little significance.

Michelle Wu, resident, said the leaf blower noise should not start until after 9am. She is also concerned with the noise from a barking dog that barks at her children as they walk by the house on their way to school.

CLOSED PUBLIC COMMENT

Mayor Cheng said that she favors a compromise between the neighbors and staff.

Councilmember Fenwick voiced his support for the compromise that Mr. Brier had agreed to in his July 11th email of a start time of 7:30 am and added that the City Manager has been compliant with this agreement.

There was no further commentary from Council.

- Correspondence from Dave Pefley, Citizens for La Paloma Drainage Improvement

Fred Osterlund, 26238 W. Fremont Road, spoke to Council regarding the proposal to underground the flood control easement between the Lands of Wadhwani and the Lands of Osterlund. Osterlund explained that Mr. David Pefley, a neighbor, is a proponent of the underground system and has stated that Dr. Wadhwani has offered to pay for the improvement project that is estimated to cost between \$300,000 and \$400,000. Osterlund expressed his concerns that this could have a negative environmental impact on his parcel. He has done considerable planting of native trees and shrubs on the creek and enjoys the aesthetics that the creek affords his property. He noted that wildlife is abundant and he fears that undergrounding this section would destroy all of his efforts to create this habitat and natural riparian zone.

Osterlund added that the existing flood control channel has been successful for the last six years and even with heavy winter rains there has been no flooding.

Mayor Cheng asked staff if this item would be returning to Council.

City Engineer/Director of Public Works Cheng explained that the Town does have jurisdiction over this storm drain, and if directed by Council, staff could obtain more information from the citizens. The City Engineer noted that there were two opposing opinions; some citizens favor an open storm channel and some want it built underground. Staff could perform a preliminary assessment of the environmental impact and bring it back to Council.

Mayor Pro Tem O'Malley noted that he would like to see this issue return to Council. If Dr. Wadhwani has offered to pay for the project, Council would be remiss not to further

investigate the proposal. He would like to see a solution that was agreeable to all parties and at no cost to the Town.

8.3.2 Use of Town Hall Facilities as a Polling Place for the October 7, 2003 Statewide Special Election

The City Clerk reported that Town Hall chambers will be used as a Polling Place for the October 7th election.

9. COUNCIL-INITIATED ITEMS

None

10. PRESENTATIONS FROM THE FLOOR

Jim Abraham, 12851 Viscaino Road, Emergency Communications Committee Chair, addressed Council. Abraham explained that the ECC is an integral part of the Town's EOC. The operations center is presently located in the Heritage House. For technical reasons, the Committee would like to remain in this site. Abraham stated that he was looking for a commitment from the Council that the EOC would be permanently situated at this site. This would enable the Committee to move forward with plans and equipment. Abraham added that without the commitment, it would not be prudent to start any work.

Councilmember Kerr noted that the Town Hall Committee has taken the ECC's Committee's request under advisement and it has been noted that it is the Committee's preference to house their operations in the Heritage House.

Cyros Gheryi, 27400 and 27360 Elena Road, explained that he had been unable to put his request in writing for Council. He acknowledged that Council had made such a request at his last appearance before them, but he has been too distraught to gather his thoughts. He asked Council for additional time to explain his situation. Mr. Gheryi expressed his continuing concerns about drainage issues.

Council, by consensus, granted Mr. Gheryi an additional five minutes of time for his presentation. Following the completion of his time, Mr. Gheryi gave Council his phone number and asked that they visit his site.

Chris Vargas, 13825 Templeton Place, informed Council that the Santa Clara County School Board had approved the Charter School at last night's Board meeting. He asked Council for support in the Charter School's search for a site. They are planning for a Fall 2004 school opening.

John Swan, 13201 Burke Road, thanked everyone that had assisted in the Charter School effort. He requested Council consideration of a resolution that would request the Los Altos School District Board negotiate with the Charter School for use of the Bullis School site.

Councilmember Kerr explained that it would be inappropriate for Council to take action at this time. The Santa Clara County School Board has established a time frame of 40

days for the LASD and the Charter School to resolve issues and work together. Kerr added that he is hopeful that the local school district will work with the charter school board to resolve site issues, to mitigate financial impacts and to bridge the gap that has developed between the two communities.

11. PUBLIC HEARINGS

11.1 Approval of Appropriations for Citizens Option for Public Safety Fund (COPS)

Administrative Services Director Sarah Joiner introduced this item to Council. She explained that Council had approved the appropriation for a Public Safety Officer who is charged with both code enforcement and emergency preparedness duties in the Operating and Capital Improvement Program Budgets for Fiscal Year 2003-2004. Joiner explained that the State requires the City Council conduct a public hearing and appropriate COPS funding in September of each year in which the funding is available.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve Resolution 65-03 adopting the Operating Budget for the Citizen's Option for Public Safety Fund for Fiscal Year 2003-2004.

Council adjourned to Closed Session at 8:10 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -

Property: – APN 175-56-3

Agency Negotiators: Maureen Cassingham and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Purissima Hills Water District

Under Negotiation: Terms and Conditions related to Lease of Property

The City Council reconvened to the Regular City Council Meeting at 8:30 p.m.

The City Council provided direction to staff and no action was taken.

13. ADJOURNMENT

The Regular City Council Meeting of September 4, 2003 was adjourned at 8:35 p.m.

Respectfully Submitted,

Karen Jost
City Clerk

The minutes of the September 4, 2003 Regular City Council Meeting were approved at the Regular City Council Meeting of September 18, 2003.